

Judge Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff

v.

BRYAN MICHAEL POLLESTAD,
Defendant.

NO. CR20-88-RSL

AMENDED¹ ORDER CONTINUING
TRIAL

The Court finds as follows:

1. Trial on this matter was set to begin on December 5, 2022. (Dkt. #53).
2. On November 28, 2022, defense counsel Dana M. Ryan filed a motion to withdraw as attorney (Dkt. #70). This Court referred the motion to Magistrate Judge S. Kate Vaughan (Dkt. #72), who granted the motion on November 30, 2022 (Dkt. #74).
3. On December 5, 2022, Attorney Mark A. Larranaga was newly appointed as defendant's counsel. (Dkt. #75).
4. At a status hearing on December 7, 2022, the Court considered the defense request for a new trial date on this matter. (Dkt. #77). The request was unopposed by the

¹ An earlier version of this Order stated that pretrial motions were due no later than March 27, 2023. This Order has been amended to reflect a new pretrial motions deadline of March 6, 2023.

1 government. As of December 5, 2022, there were approximately 40 days remaining on
2 the speedy trial clock. The government indicated that it had been prepared to go to trial
3 on December 5, 2022, and remained prepared to proceed to trial within the speedy trial
4 deadline. Mr. Larranaga informed the Court that in light of his recent appointment, the
5 volume of discovery in this case, and the fact that he has also been appointed to represent
6 defendant in another complex federal case, he would not be prepared to proceed to trial
7 before the speedy trial deadline expired. Defendant Bryan Pollestad informed the Court
8 that he did not oppose a continuance and was prepared to file a speedy trial waiver
9 through the end of April 2023. The parties agreed that April 3, 2023, was an appropriate
10 trial date.

11 5. In light of the foregoing, the Court finds that additional time is necessary to
12 provide new defense counsel time to prepare for trial.

13 6. The Court finds that this continuance would serve the ends of justice, and
14 that this factor outweighs the best interests of the public and defendant in a speedier trial,
15 within the meaning of 18 U.S.C. §3161(h)(7)(A).

16 7. The Court finds that a failure to grant a continuance would deny newly
17 appointed defense counsel the reasonable time necessary for effective preparation, taking
18 into account the exercise of due diligence, within the meaning of 18 U.S.C.
19 §3161(h)(7)(B)(iv).

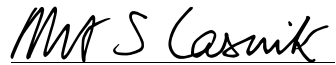
20 8. The Court finds further that a failure to grant a continuance would likely
21 result in a miscarriage of justice, as set forth in 18 U.S.C. §3161(h)(7)(B)(i).

22 THEREFORE IT IS HEREBY ORDERED that the trial date shall be continued
23 from December 5, 2022, to April 3, 2023. Pretrial motions shall be filed no later than
24 March 6, 2023.

25 IT IS FURTHER ORDERED that defense counsel is to file a speedy trial waiver
26 signed by the Defendant waiving speedy trial through April 30, 2022.

1 IT IS FURTHER ORDERED that the period of time from the current trial date of
2 December 5, 2022, up to and including the new trial date, shall be excludable time
3 pursuant to the Speedy Trial Act, 18 U.S.C. §3161, *et seq.* The period of delay
4 attributable to this continuance is excluded for speedy trial purposes pursuant to 18
5 U.S.C. §§3161(h)(1)(D), (h)(7)(A), and (h)(7)(B).

6 DATED this 9th day of December, 2022.

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10 Robert S. Lasnik
11 United States District Judge
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14 Presented by:

15
16 s/ Stephen Hobbs

17 STEPHEN P. HOBBS

18 Assistant United States Attorney
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